



STATE GIVES IT'S CASE

Is Plain Statement of the Killing of White.

PLEA

Hereditary Insanity Will Be Offered As Reason for Thaw's Deed.

MOTHER WILL TAKE STAND

Wife and Parent of Murderer Will Both Testify—Statement of State Brief, Occupying But About Two Hours.

NEW YORK, Feb. 4.—The state introduced its case against Harry K. Thaw today, a plain, unemotional story of the shooting on Madison Square roof garden. The defense replied with a plea of hereditary insanity. It was asserted that Thaw, in slaying Stanford White, believed he was acting as an agent of Providence; that real or fancied wrongs which were committed against him by the architect and former friend of his wife had caused his impulse to kill. When the deed was done Thaw made no move to escape its consequences, but holding the fatal revolver aloft, he stood as if mutely proclaiming to the world: "The deed is done; it was right, it was not wrong." Thus Thaw's counsel outlined his case to the jury this afternoon after the prosecution had occupied less than two hours of the morning session in relating through eye-witnesses the narrative of the tragedy. Tomorrow the first witness in Thaw's behalf will be heard.

"You will hear the story of this man's insanity," Attorney Gleason for the defense promised the jury, "from his mother, from his wife, from his relatives and from his physicians. You will judge him by his acts; by the hereditary and stress which entered into his madness, and when you come to judge him you will say to yourself that his act may have been one of insanity, but it was not one of crime."

That Thaw's wife was to be one of his most important witnesses has been long known. That his mother was to take the stand only became known today when the court announced a rule excluding from the court room all witnesses except the experts.

His wife and May Mackenzie left at the word of command. Thaw seemed dejected at this. Many times in the last week during the dull days of the jury selection he turned to his wife for comfort, and found her ever ready with a quick responsive smile. Now that the serious work of the trial is to begin he was to be denied her presence. His counsel told the story of Thaw's defense as if he were taking every juror of the twelve into his confidence. They listened intently. Gleason was twice interrupted by District Attorney Jerome on the ground that he was arguing the case from the evidence, instead of plainly stating what the evidence was to be. Thaw's counsel told the story of Thaw's love for the girl—of his honorable love and regard for Miss Nesbitt; of the trip taken to Europe with her and her mother as Miss Nesbitt's avowed suitor and of Thaw's asking her to marry him and of her refusal.

"The reason for this refusal you will hear from her own lips," announced Gleason. "Suffice it to say, the reason had to do with an incident in her life with reference to Stanford White."

The lawyer said that they did not base their defense on emotional insanity, but would prove Thaw actually insane, so that every juror would understand it without requiring experts to explain it to them.

Assistant District Attorney Garvan took less than ten minutes in presenting the prosecution's entire case. His outline told of how White went to the roof garden and then related in simple language the incident of the killing.

"The people claim," he concluded, "that it was a cruel, deliberate, malicious, premeditated taking of human life. After proving that fact to you we will ask you to find the defendant guilty of murder in the first degree."

Just at adjournment this afternoon, Jerome made an ineffectual effort to have the defense disclose the names of those who are to be called as its first witnesses. It was reported that the prisoner's wife will be among the first to give testimony for the defense. Even after testifying she will still be denied the privilege of the courtroom, for the ruling of Justice Fitzgerald, on consent of counsel, was to exclude the witnesses both before and after testifying. It is argued by Jerome that they may be recalled from time to time. The state having put its case so simply up to the defense to prove its justification, bears out the theory that Jerome is saving his real effort for rebuttal.

With the exception of Lawrence White, who testified as to how his father happened to go to the roof garden that night and the coroner's physician, only the seven persons, who were eye-witnesses to the tragedy, were called to the stand today. They were briefly cross examined by Delphin Deimas for the defense, who thus appeared actively in the proceedings for the first time. The witnesses related the deliberate manner in which Thaw fired at White. They repeated Thaw's assertion, "He ruined my wife," and Mrs. Thaw's remark to her husband, "Yes, but look what a fix you are in now." To this last remark Thaw replied: "Dearie, I have probably saved your life."

NEW YORK, Feb. 4. Interest in the trial of Harry K. Thaw which will be resumed today, centered in the men who occupy the jury box. Would there be a further weeding out process, or would the jury as selected when court adjourned Friday, be allowed to remain intact, so that the real trial could begin, was the question discussed. It was generally believed early today that the prosecution would like to excuse one juror and possibly a couple of others, but it is known that the defense will strongly oppose any such move. Counsel for Thaw states emphatically that the jury, as now composed, is satisfactory to them and there is no good reason why there should be a change.

The detectives of District Attorney Jerome's office were busy Sunday raking the pasts of several of the jurors, showing the anxiety of Mr. Jerome to begin the trial of Thaw with a jury in every way fit for the task. The story in a morning newspaper that Juror Harney is the father of a chorus girl, who has some interest in the trial of Thaw, was investigated along with other reports. It was found that the father of the chorus girl bore the name of O'Harney and is living peacefully in a Massachusetts town.

The report that Juror Steele, at one time had been interested with Thaw's father was under consideration yesterday. There was still another report, affecting a juror and the three are keeping the investigators busy. Assistant District Attorney Marshall reported yesterday as to the result of his visit to Pittsburg.

Marshall, it is understood, searched the court records and found that Thaw had already received his share of his father's fortune.

The will of William Thaw gave him an equal share with the rest of the Pittsburgers' fortune, but a codicil gave him an annual allowance of \$2,400, the principal of his inheritance being withheld till such time as he could show a "settled character," and capability for the receipt and care and expenditure of his inheritance. A majority of the executors was then to say whether he should have his portion. A search of the Pittsburg records

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TWELVE-MILE BRANCH TO THE CLATSOP COAST

New Railway Project Inaugurated by the Astoria & Columbia R. R. Co.

WESTWARD AND SOUTHWARD FROM WARRENTON

To Be Standard Gauge and Designed to Amplify the Service Throughout the Company's Coast-Resort Territory--Will be Pushed to Earliest Possible Completion.

CHIEF ENGINEER R. P. HABBERSHAM TAKES THE FIELD

RUMORS HAVE BEEN THICK LATELY REGARDING THIS GREAT IMPROVEMENT, BUT WERE DEEMED TO BE IDLE GOSSIP—CONFIRMED YESTERDAY BY A. & C. OFFICIAL—NO DOUBT AS TO ITS AUTHENTICITY.

For the past ten days there have been a lot of ubiquitous rumors flying about Astoria, anent the building of a railway spur out of Warrenton, westward to the beach and down the sands to Seaside; but so vague and unfixable were the stories that little or no attention was paid to them, the general inference being that they were part and parcel of the "fairly tales" in the recent railway talk, in re. the extension of the A. & C. south from Seaside and the acquisition of the latter road by Mr. Hill.

Yesterday morning, however, a new whisper was abroad, accentuating the rumor and attributing the whole thing to the Astoria & Columbia River Railroad Company, and there was just enough color to the revised story to warrant a determined search for the source of the perplexing intimation and either explode it once for all as false or determine its merit and fix its sponsorship.

With this purpose in view, a reporter of the Astorian called at the office of the A. & C. people, and went after Superintendent McGuire, who was the only available man on the ground, who could, if he would, speak with authority. The inquiry was plainly put, and the genial superintendent, after leading the reporter a merry chase through a long lane of extraneous matter, at last, reluctantly, admitted that his company was actually behind the movement and that the project was to build a twelve mile extension out of Warrenton, to the westward, striking the ocean line at a point below the Fort Stevens reservation, and then swinging to the south, paralleling the sea to a connection with the main line at Seaside; the projected extension of the main system from there southward

covering the entire coast resort territory of the company.

Yesterday morning Chief Engineer Richard P. Habbersham, of the A. & C. service, left Warrenton with his field gang and commenced the survey of the new line, and will report in due course; and, it is intimated, the dirt will move almost instantly upon the confirmation of his findings, so that no time may be lost even during the coming season, in amplifying the resort traffic of the road. The line will take in Gearhart Park and all the coast-side centers on Clatsop beach, clear to Tillamook Head, and the service to these points is to be made very popular as to time and frequency of train schedules and nothing is to be left undone to make this famous line of beaches the most attractive in the northwest.

The present line does not run even in sight of the ocean between this city and Seaside, and while the distances from the various depots along the route to the water edge are but slight, the barrier of sand cliffs intervening between them all and the sea, has always been a matter of disappointment to the traveler on the coast branch. This is to be obliterated and the new extension, which is to be standard-gauge and equipped with all the appointments for comfort and convenience, is destined to be very popular.

The celerity with which the company is going at this development, suggests that the venture has been well thought out at headquarters, and is no hazard whatever in the matter of route, right-of-way, or returns, with those responsible for the innovation. It will certainly be a splendid improvement and cannot lack appreciative patronage from all points, especially from this city and section.

WHEAT FOR FUEL.

Shibata Maru From Portland to Japan, Runs Short of Coal.

VICTORIA, B. C., Feb. 4.—The steamer Empress of China brought news that the steamer Shibata Maru, from Portland to Japan, with wheat, arrived at Nemure in distress, with three of her crew injured, the steamer had run out of coal and had been burning wheat.

MUSIC HALL STRIKE ENDING.

LONDON, Feb. 4.—Then end of the music hall strike is believed to be in sight. A split has occurred in the ranks of the strikers resulting from the formation of a third party to the controversy. This section is composed of the principal stars who have adopted conciliatory methods in negotiating with the managers.

RESCUED FROM MOB.

Negro Charged with Murder Taken to Neighboring Town.

TUCSON, Ariz., Feb. 4.—Baldwin, a negro, who was held at Globe, Ariz., charged with murdering a woman and child, arrived here last night and was placed in jail. The negro was taken on a hand car from Globe to Rice, fifty miles away, on Friday, to escape a mob.

NOVELLI WILL TOUR.

NEW YORK, Feb. 4.—The Shuberts announced last night that they have arranged for an American tour for Ermit Novelli, the noted Italian tragedian. The contract calls for thirty appearances, the first of which will be made at the Majestic Theatre, Boston, on March 6.

COAL TRAIN WRECKED.

Seven Miners Killed and Dozen or More Wounded in Iowa.

DES MOINES, Ia., Feb. 4.—Seven miners were killed and twelve or more injured in a wreck of a coal train on the Chicago & Northwestern Railroad near the corporate limits of Des Moines this evening. The accident was due to a car in the middle of the train leaving the tracks and ditching the cars behind it. The train had on board about thirty miners, scattered in groups on the different coal cars, and several passengers in the caboose. The victims were all buried under the wreckage and coal. It is feared that when the wreckage is fully cleared away other victims will be found.

ROB RAILROADS.

Made Desperate by Lack of Fuel Men Hold Up Train.

GUTHRIE, Okla., Feb. 4.—The Midland Valley freight train was "held" the coal into vehicles. Residents of without ceremony unloaded nearly all up" at Foraker and a party of determined men climbed into the tender and Foraker have been without coal for weeks and the fuel scarcity had reached the critical stage.

TREAT JAPANESE BETTER.

So White Waiters of Los Angeles Charge Cafe Management.

LOS ANGELES, Feb. 4.—About the first sign of difficulty between Caucasian union labor and the Japanese in this city occurred today at the Palace cafe, when 17 out of 20 members of the waiters' union inaugurated a strike because of alleged better treatment being received by the Japanese from the management of the cafe.

WILL FLOOD HAWAII.

Japan Will Allow Four Thousand Immigrants a Month.

VICTORIA, B. C., Feb. 4.—The steamer Empress of China, from the Orient today, brought advices from Tokio to the effect that the Japanese government proposes to increase the number of permits for immigrants to Hawaii. The number has been reduced to 2,000 per month, having previously been about 3,000. It is proposed to increase the number to 4,000 monthly within five or six months.

WILL NOT VISIT COAST.

Japanese Training Squadron Will Visit Hawaiian Isles Instead.

VICTORIA, B. C., Feb. 4.—Advices via the steamer Empress of China state that the Japanese training squadron, consisting of three cruisers, which left Japan January 15, for Honolulu, had returned in distress, damaged by storm. The squadron will be dispatched to Australia and New Zealand, via Honolulu, instead of to the United States.

BURIED BY SLIDE.

Twelve Persons Lose Their Lives in Colorado Disaster.

PUEBLO, Colo., Feb. 4.—A special to the Chieftain from Salida county, says that at least a dozen lives are said to have been lost in a terrific snow slide down the Monarch mountain this morning, which completely overwhelmed three business houses and buried the occupants under fifty feet of snow and dirt. The inmates had no warning and no time to get out before the crash came. Several of them, however, have been rescued. Great confusion exists at the scene of the disaster and it is difficult to secure details.

AFTER MANY DAYS.

BAKERSFIELD, Cal., Feb. 4.—In 1905 a jewelry store here was robbed of \$5,000 worth of diamonds and this morning in Los Angeles, Sheriff Kelly of Kern county, arrested David Davis, a manufacturing jeweler, who formerly worked for the firm, charging him with the theft.

BIG FLOOD IN FEARED

Waters of Willamette are Rising Rapidly.

THE RAINS MELT SNOW

Entire State Troubled By Bad Weather and the Losses Are Heavy.

SHEEP AND CATTLE PERISH

Eastern Oregon is in Grip of Blizzard and Stockmen Suffer—Many Slides Along Railroad Lines—Santiam Breaks Bounds.

PORTLAND, Feb. 4.—Accounts of miscellaneous weather in Oregon, rains, winds, snowstorms and thaws are being received in Portland tonight, with an aggregate loss in sight of many thousands of dollars and much more serious experiences than any yet encountered unless predictions are all awry.

Eastern Oregon has been experiencing snow storms for several days, and though tonight there is a report that rain has fallen in some of the districts in the extreme northeastern part of the state, the snow continues to fall accompanied by a fierce east wind. This is doing thousands of dollars worth of damage to stockmen, who with hay at \$25 per ton, are unable to care for their flocks and herds. In the Baker City district, there is six feet of snow on the level and a thaw has set in. There is also from two to three feet of snow thawing along the banks of the Columbia west of Wallula, with snow to an unknown depth rapidly melting in the foothills contiguous to the river.

The thaw has caused a succession of snow slides along the line of the O. R. & N. between Portland and The Dalles, tracks are blocked and the railroad company is transferring passengers to river steamers and bringing them to Portland. The most serious aspect presents itself in the Willamette Valley, especially at Portland.

A snowfall from two to four inches in the lowlands with probably about two feet in the mountains covers the entire Willamette watershed and a general thaw accompanied by an unusually heavy rain has started. Warmer weather and more rain is predicted for tomorrow which will increase the thaw in proportion.

Reports received by the government weather bureau, by the Associated Press and the Morning Oregonian, from points throughout the valley are all to the effect that the Willamette tributaries are bank-full, and the Santiam, the Willamette's largest tributary, is out of its banks and flooding the lowlands.

At Portland the Willamette jumped five feet in the last twenty-four hours and the weather bureau predicts a further rise of seven to ten feet by tomorrow night. Government officials admit that this is a conservative estimate. It is the general fear that another flood is about to occur, such as took place in February, 1890, when the river here went to over twenty-five feet, with a current for several days that was a menace to the bridges and docks on the waterfront.

RAILROAD MAN DIES.

CHICAGO, Feb. 4.—R. J. Grammer, vice president of the New York Central and traffic manager of that system west of Buffalo, died today. He had been ill several weeks.